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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION
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12 EQUAL EMPLOYMENT
13 OPPORTUNITY COMMISSION,

14 Plaintiff,

15 v.

16 SIZZLER USA RESTAURANTS, INC.,

17 Defendants.

Case No.: C- 06-6142 JF PVT

**ORDER GRANTING MOTION TO
COMPEL DISCOVERY AND
VACATING HEARING DATE**

18 The Equal Employment Opportunity Commission (“The EEOC”) filed this Title VII
19 public enforcement action on behalf of Patricia Huizache (“Huizache”), a former employee of
20 Defendant Sizzler USA Restaurants, Inc. (“Defendant”).¹ Huizache filed a successful motion to
21 intervene to in this action. Huizache claims to be a victim of sex and national origin
22 discrimination causing her constructive termination from Defendant’s Redwood City restaurant.

23 The EEOC personally served Defense counsel Glen Mertens at the CMC conference on
24 January 12, 2007 with a set of Interrogatories and a set of Requests for Production of
25 Documents. (Dixon Decl. ¶ 2.). The two Interrogatories sought the names, contact information,
26 and job titles of employees at the Redwood City Sizzler. (Dixon Decl. Exh.A). The eleven
27

28 ¹ The holding of this court is limited to the facts and the particular circumstances
underlying the present motion.

1 Requests for Production of Documents sought documents relating to: policies on discrimination,
 2 training about discrimination policies and complaint procedures, the investigation of Huizache's
 3 complaint, the personnel files of Huizache and the alleged harasser, Daniel Viera , other
 4 complaints about Viera, and investigations into other complaints of sexual or national origin
 5 discrimination at the Redwood city restaurant during Viera's employment. (Dixon Decl. Exh.
 6 B.) Most the information sought had been identified by defendants as relevant in its Initial
 7 Disclosures. (Dixon Decl. Exh. C.) Defendant failed to respond in any way. The EEOC
 8 attempted many times to meet and confer, but received no response from Defense counsel.
 9 (Dixon Decl. ¶¶ 5-10, Exhs. D-F)

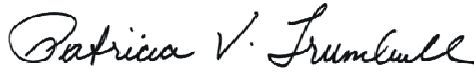
10 On March 9, 2007, Plaintiff Equal Employment Opportunity Commission ("EEOC")
 11 filed a motion to compel responses to interrogatories and requests for production of documents.
 12 The hearing date was set for April 17, 2007, making an opposition due by March 27, 2007. As
 13 of April 10, 2007, no Opposition was filed by Defendant.² In light of Defendant's failure to
 14 respond to the motion to compel discovery, a hearing is not necessary to resolve this motion.
 15 The discovery sought is relevant and not unduly burdensome.

16 Accordingly, IT IS HEREBY ORDERED that:

- 17 1. The EEOC's motion to compel discovery is granted in full and Defendant
 18 is ordered to produce all requested discovery no later than April 20, 2007
 19 and
- 20 2. The April 17, 2007 hearing date for the Motion to Compel Discovery is
 21 VACATED as moot.

22 IT IS SO ORDERED.

23 Dated: April 10, 2007

24 
 25 PATRICIA V. TRUMBULL
 United States Magistrate Judge

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 27 ²The EEOC did not file a Reply Brief. Although the local rules do not require a reply brief,
 28 better practice would be to file a Reply Brief to inform the Court that the status of the motion
 remains unchanged.